

REMARKS

The following background information concerning the prosecution of this application to date is provided by Applicants to explain the events that led to the necessity for filing this RCE application.

A first Office Action was mailed from the PTO in this matter on November 20, 2002. At that time, claims 1-21 were pending in the application. Claims 1-20 were rejected in view of certain prior art patents, namely Crowley (U.S. Patent No. 5,655,537) and Nicholas (U.S. Patent No. 5,464,016). Claim 21 was indicated as allowable.

On January 21, 2003, Applicants filed their response to the Office Action. In the response certain claims were amended, and new claims 22-24 were added to the case. In addition, Applicants provided arguments to distinguish then claims from the Crowley and Nicholas patents.

On February 24, 2003, a Final Office Action was issued by the PTO. In the Final Action, claims 1-20 and 22-24 were rejected, and claim 21 was again indicated as allowable. According to the Examiner, Applicants' arguments with respect to the previous claim rejections were deemed moot in view of new grounds of rejection. Specifically, claims 1-20 and 22-24 were now rejected, for the first time, under two new references, namely Merideth (U.S. Patent No. 6,164,277) and Salmon et al. (U.S. Patent No. 5,503,155).

On April 1, 2003, Applicants filed an Amendment After Final Action. In the Amendment After Final Action, Applicants offered further amendments to the claims, and provided arguments to distinguish these claims from the Merideth and Salmon references.

On June 30, 2003, Applicants received a Notice of Allowance and Fee(s) Due. Accompanying the Notice of Allowance and Fee(s) Due was a Notice of Allowability, and an Examiner's Statement of Reasons for Allowance. Box 1 of the Notice of Allowability stated: "This communication is responsive to 1/27/03." The Statement of Reasons for Allowance went on to explain why the claims were patentable over the Crowley and Nicholas references. No reference was made to Applicant's submission of April 1, 2003, nor was any reference made to the disposition of the rejections under Merideth and Salmon et al. The PAIR records indicate receipt in the PTO of all of the

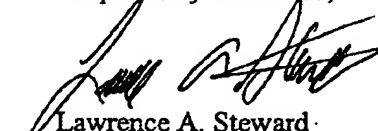
above-referenced documents from Applicants, including the Amendment After Final Action.

As a result of this prosecution, Applicants have no way of knowing, nor does the record reflect, whether the Merideth and Salmon patents were overcome, or overlooked. In addition, there is no indication that the Amendment After Final Action was ever looked at, let alone whether the amendments provided therein were entered into the case. Finally, Applicants have no definitive way of knowing which set of claims was allowed, namely the claims filed on January 21, 2003, or the claims filed on April 1, 2003. Telephone inquiries by Applicants' representative to address these questions were unproductive. Accordingly, to eliminate this confusion, and to continue prosecution of this application, this Request for Continued Examination is filed.

In this submission accompanying the RCE, claims 1, 16 and 20 have been amended in a manner believed to render them allowable over the references of record. In addition, new claims 25-46 have been added to the case, and are also believed to be allowable.

Based on the foregoing, Applicants respectfully request the prompt issuance of a Notice of Allowance in this matter. If the Examiner believes that there are any issues left for consideration, the Examiner is respectfully invited to telephone the undersigned attorney.

Respectfully submitted,



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